

FEB 24 2004

SECRETARY, BOARD OF
OIL, GAS & MINING

m/053/004

**BEFORE THE BOARD OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH**

<p>In the Matter of the Request for Agency Action by Teck Cominco American Incorporated for an Extension of the Suspension Period under the Approved Notice of Intention for the Apex Mine in Washington County, Utah</p>	<p>ORDER GRANTING REQUEST FOR AGENCY ACTION</p> <p>Docket No. 2004-002</p> <p>Cause No. M/053/004</p>
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This matter came before the Board of Oil, Gas and Mining ("Board") at its regularly scheduled January 28, 2004 hearing date on the Request for Agency Action by Teck Cominco American Incorporated ("Teck Cominco"). Teck Cominco was represented by William B. Prince, Esq., Dorsey & Whitney LLP, the Board was represented by Stephen Schwendiman, Esq., and the Division of Oil, Gas and Mining ("Division") was represented by Steven F. Alder, Esq.

The Board, having considered the petition, evidence, oral arguments and relevant law, and being fully advised,

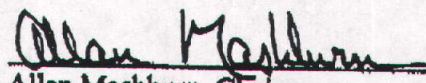
HEREBY ORDERS that Teck Cominco's Request for Agency Action for Extension of the Suspension Period under the Approved Notice of Intention and Permit M/053/004 for the Apex Mine is GRANTED as follows:

1. The suspended status for operations at the Apex Mine as referenced in Utah Code Ann. §§ 40-8-16(2) and 40-8-21 and Utah Admin. Code R647-4-117.4 (2003) is approved for a period of ten (10) years from and after the date of this Order and the Apex Mine may remain in a continued state of suspension for the 10-year period without further approval of the Division or the Board.

2. If operations at the Apex Mine are not commenced by the end of the ten (10) year suspension period, the Division will reassess the status of the Apex Mine and make a determination on reclamation of the mine site, subject to the right of Teck Cominco to appeal the Division's determination for reclamation to the Board within thirty (30) days from the date of the Division's decision.

ENTERED this 24 day of February, 2004.

STATE OF UTAH
BOARD OF OIL, GAS AND MINING


Allan Mashburn, Chairman

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DIV. OF OIL, GAS & MINING

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing "Order Granting Request for Agency Action" for Docket No. 2004-002, Cause No. M/053/004 to be mailed with postage prepaid, this 25th day of February, 2004, to the following:

William B. Prince
Attorney for Teck Cominco American Inc.
Dorsey & Whitney LLP
170 South Main Street, Suite 900
Salt Lake City, UT 84101-1655

Stephen Schwendiman
Assistant Attorney General
Attorney for Board of Oil, Gas & Mining
160 East 300 South, 5th Floor
P.O. Box 140815
Salt Lake City, UT 84114-0815

Steven F. Alder
Assistant Attorney General
Attorney for Division of Oil, Gas & Mining
1594 West North Temple, Suite 300
Salt Lake City, UT 84116
(Hand Delivered)

Teck Cominco American Incorporated
15918 East Euclid Avenue
Spokane, WA 99216-1815

Gaylon W. Hansen, Geologist
1780 Hidden Meadows Drive, Suite 6-C
Holladay, UT 84117

